

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48416 of 2021

Arising Out of PS. Case No.-125 Year-2019 Thana- BIND District- Nalanda

=====

AJAY YADAV Son of Mr. Nageshwar Yadav @ Nago Yadav Resident of
Village- Madanchak, P.S.- Bind, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Bharat Bhushan (App

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and 27 of Arms Act.

As per allegation in the FIR, there was some dispute
between the parties. Co-accused Ajit Yadav, Mukesh Yadav and
the petitioner called their brothers on the telephone. Thereafter,
co-accused Ajit Yadav and the petitioner shot the husband of the
informant. Mukesh Yadav also fired on the informant's husband
due to which he died.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that during investigation, nothing has come against the petitioner. He further submits that the charge has been framed against the petitioner and till date four prosecution witnesses have been examined during the trial, namely, P.W.-1 is Bhola Yadav, P.W.2 is Keshaw Yadav @ Kedar Yadav, P.W.3 is Chano Dei (informant) and P.W.4 is Rameshwar Yadav. He further submits that none of the four prosecution witnesses have named the petitioner as an accused in the present case including the informant and the petitioner is in custody since 04.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bind Police Station Case No.125 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

